
REMARKS

Claims 1-2, 4-5 and 7-14 are pending in this application. By this amendment, claims 8-10 and 13-14 have been amended and claims 1-2 have been cancelled.

I. Allowed Subject Matter

The January 10, 2005 Office Action indicated that claims 4 and 5 are allowed. Applicant thanks the Examiner for such indication.

II. §112 Rejection

The Office Action indicated that claims 7-11 and 13-14 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action indicates that "at least four" are not clearly described in the specification or clearly shown in the drawings. Applicants respectfully disagree.

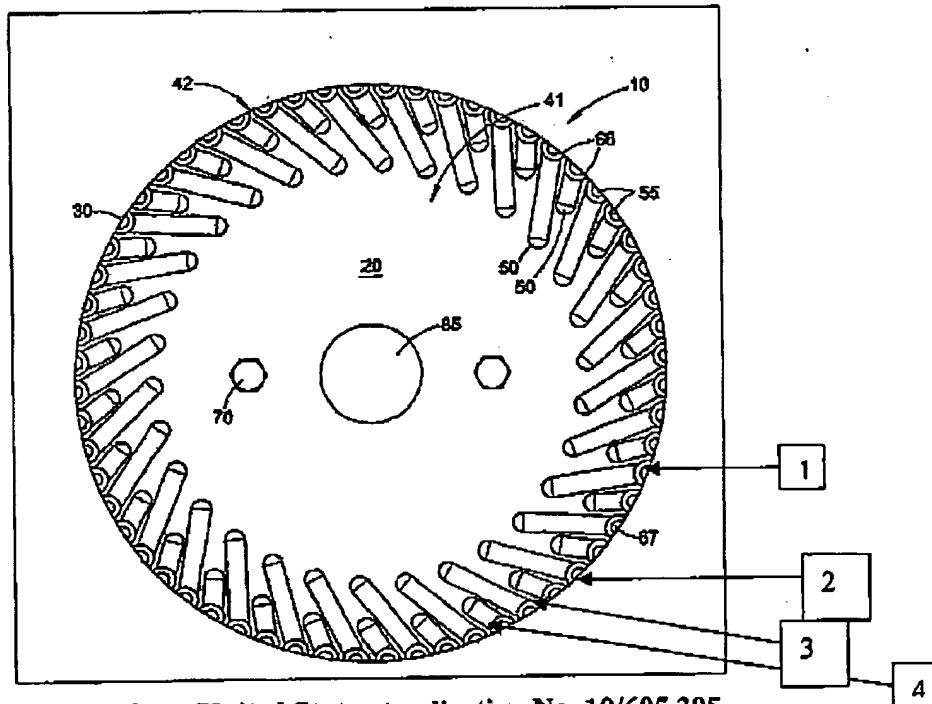


Figure 1 from United States Application No. 10/605,395

As shown in the drawings, four surfaces are used to create the seed cell: (1) the back surface of the cell; (2) a left side-wall of the cell; (3) a right side-wall of the cell; and (4) the end wall of the cell that abuts the grooved seed pocket. As such, there are two non-enclosed sides of the seed cell, the end opposite the end of that abuts the grooved seed pocket and the front surface

of the seed cell. Prior art seed metering devices only enclosed three surfaces, namely the end wall that abuts the grooved seed pocket and the two side walls. When smaller seeds are used, the seeds are incorrectly dispensed from the back surface of the seed cell. The present invention prevents such incorrect dispersion of seeds. Since the drawings provide support of the four surfaces of the seed cell, claims 7-11 and 13-14 should not be rejected under §112. Reconsideration of this rejection is respectfully requested.

III. §103 Rejection - Harrer in view of Romans

Claims 1-2 were rejected under 35 USC §103(a) as being unpatentable over Harrer at al (United States Patent No. 4,047,638) in view of Romans (United States Patent No. 5,542,364). In light of the cancellation of claims 1-2, this rejection is deemed moot.

IV. §102 Rejection - Harrer


Claims 7-9 and 11 were rejected under 35 USC §102(b) as being anticipated by Harrer at al (United States Patent No. 4,047,638). Claim 7 specifically recites that the seed cells are located at the periphery of the seed disc. Harrer discloses placing seed cells in the middle or along the main portion of the seed disc, and does not disclose placing the seed cells along the periphery of the seed disc. Since Harrer does not teach or disclose each and every element of the claimed invention, Harrer does not anticipate independent claim 7, nor its respective dependent claims. Reconsideration of this rejection is respectfully requested.

V. §102 Rejection - Romans

Claim 12 was rejected under 35 USC §102(b) as being anticipated by Romans (United States Patent No. 5,542,364). Claim 12 has been amended to claim a "front side [that] includes a plurality of grooved seed pockets." Romans does not include such grooved seed pockets, and as such does not anticipate claim 12. Reconsideration of this rejection is respectfully requested.

Respectfully Submitted,

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